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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7797 OF 2006

J.N.Bhandare — Petitioner
versus
Grindwell Norton Employees'
Co-op.Credit Soc.Ltd. & others — Respondents

Mr.Rahul Rao with Vijay Pandey i/by I.V.Rao for petitioner.

Ms.Vaidehi Mhaispurkar, AGP for respondent 3 & 4.

CORAM : A.S.OKA, J.

DATE : 09th March 2007

PC :

1. Heard learned advocate for the petitioner and learned AGP for respondents 3 and 4. As the first respondent has supported the petitioner before the Divisional Joint Registrar, it is not necessary to give notice to first respondent. Learned advocate for the petitioner states that private notice is served to second respondent and he will file affidavit of service within a period of two weeks from today. The statement is accepted.

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2. The petitioner filed a revision application before the Divisional Joint Registrar praying for expunging the remarks made against him in the report of the Auditor under section 81 of the Maharashtra Co-operative Societies Act, 1960. According to the case of the petitioner, he was ex-officio Chairman of the first respondent society and he was never involved in day to day management and affairs of the society. In fact that is also the stand taken by the first respondent society before the Divisional Joint Registrar. Learned advocate for the petitioner submitted that the impugned order is perverse inasmuch as the Divisional Joint Registrar has not at all examined the nature of the powers exercised by the petitioner as an ex-officio Chairman of the society. The Divisional Joint Registrar has also not considered the submissions made by the first respondent society. The learned AGP supported the impugned judgement and order.

3. I have considered the submissions. The case of the petitioner was that as an ex-officio Chairman of the society, his powers were limited and he was not concerned with the day to day management of the first respondent society.

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Reliance has been placed on bye-laws of the society. A perusal of the impugned order shows that the Divisional Joint Registrar has not considered the relevant bye-laws of the society. The Divisional Joint Registrar has not even considered the reply filed by the first respondent society. The revision application has been disposed of by passing a cryptic order. In my view, the impugned order deserves to be quashed and set aside and the revision application filed by the petitioner deserves to be heard afresh. Hence, I pass the following order.

4. ORDER :-

a) The impugned order dated 7th August 2006 is quashed and set aside and Revision Application No.36 of 2005 is restored to the file of the Divisional Joint Registrar, Konkan Division, Navi Mumbai;

b) The Divisional Joint Registrar, Konkan Division, Navi Mumbai will hear and decide the revision application afresh in the light of the observations made in this order as expeditiously as possible and preferably within a period of

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three months from the date of production of an authenticated copy of this order;

c) All contentions of the parties on merits are kept open;

d) Writ petition is disposed of accordingly;

e) All concerned to act on an ordinary copy of this order duly authenticated by Registry of this Court.

(A.S.OKA, J.)